

Legal Grounds for Terminating Parental Rights

1. The RESPONDENT(s) **WANTS** (i.e. **consents**) to have his/her parental rights terminated **for the purpose** of someone else **adopting** the child.
2. The RESPONDENT(s) **“abandoned”** the child. (*For the definition of abandonment read the following section regarding the legal definition of abandonment*).
3. The RESPONDENT(s) is **“mentally incompetent”** by reason of mental illness, psychopathology, mental retardation, or mental deficiency **AND** because of such mental incompetence, the RESPONDENT is **unable to care for, support, and provide for the child’s physical needs** (including adequate food, clothing, and shelter) **and/or for the child’s mental and emotional health and development**. If this is one of the reasons you are filing to terminate parental rights, the Court will select 2 qualified psychiatrists **AT YOUR EXPENSE** for their medical opinion as to whether such person will continue to be unable to provide for the child’s physical and/or emotional needs in the foreseeable future. Furthermore, the Court will appoint a licensed attorney as Guardian *ad Litem* to represent the alleged incompetent person in the proceeding. (For more information on Guardians *ad Litem*, read the **Guardian *ad Litem* Overview**.)
4. The RESPONDENT(s) has already had his/her parental rights **involuntarily** terminated **for the child’s sibling** (brother, sister, half-brother, half-sister).
5. The RESPONDENT(s) has subjected the child to **torture, chronic abuse, sexual abuse, and/or life-threatening abuse**.

6. The child has suffered **unexplained serious physical injuries** under such circumstances that would lead you to believe that the injuries resulted from the intentional conduct or willful neglect of the RESPONDENT(s).
7. The RESPONDENT(s) **has been convicted** of any of the following:
 - a. Committing a **felony level offense against a child** (Felony level offense as described in Title 11 of the Delaware Code Chapter 5, subchapter II); **OR**
 - b. **Aiding or abetting, attempting, conspiring or soliciting to commit a felony level offense against a child** (Felony level offense as described in Title 11 of the Delaware Code Chapter 5, subchapter II); **OR**
 - c. Committing or attempting to commit the offense of **Dealing in Children** as set forth in Title 11 of the Delaware Code section 1100; **OR**
 - d. Committing the felony level offense of **endangering the welfare of a child** as set forth in Title 11 of the Delaware Code section 1102.
8. The RESPONDENT(s) is **not able or has failed to plan adequately** for the child's physical needs or mental and emotional health and development **AND:**
 - a. The child has lived in the home of the stepparent or blood relative for a period of at least 1 year, or for a period of 6 months in the case of an infant; **AND**
 - b. The Court finds that the RESPONDENT(s) is incapable of exercising parental responsibilities, and there appears to be little likelihood that such RESPONDENT(s) will be able to exercise such parental responsibilities in the near future.

